

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL NO. 1:08CV321
(1:03CR44)**

TODD WILSON SHORT,

Petitioner,

Vs.

UNITED STATES OF AMERICA,

Respondent.

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ORDER

THIS MATTER is before the Court on Petitioner's motion for an extension of time in which to respond to the Government's motion for summary judgment, a motion for subpoenas, and a motion for appointment of counsel.

With respect to the Petitioner's motion for appointment of counsel, there is no statutory authority that permits the Court to appoint counsel to assist a petitioner during post-conviction proceedings except in certain circumstances not present here. Also, the United States Supreme Court has held that there is no constitutional right to counsel in such proceedings. ***Pennsylvania v. Finley*, 481 U.S. 551, 556-57 (1987).** Therefore, the motion is denied.

As to the issuance of subpoenas, not only is the request premature, but Petitioner does not specify what documents he seeks, why such documents are necessary to the presentation of the issues herein, or why such documents are required to be furnished *via* a subpoena. This motion is denied as well.

For the reasons set forth in his motion for an extension of time, the Court will grant the relief requested therein.

IT IS, THEREFORE, ORDERED that Petitioner's motions for the appointment of counsel and for the issuance of subpoenas are **DENIED**.

IT IS FURTHER ORDERED that Petitioner's motion for an extension of time to file response to the Government's motion for summary judgment is **ALLOWED**, and the time for such response is extended to and including January 12, 2009.

Signed: November 21, 2008



Lacy H. Thornburg
United States District Judge

